

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
(SAN ANTONIO DIVISION)**

In re:	§	
CINCH WIRELINE SERVICES, LLC	§	Case No. 23-51742-cag
Debtor	§	Chapter 7
<hr/>		
JOHN PATRICK LOWE, CHAPTER 7	§	
TRUSTEE FOR CINCH WIRELINE	§	
SERVICES, LLC,	§	
Plaintiff	§	
v.	§	Adversary 24-05011-cag
FRANK THOMAS SHUMATE; MARK	§	
LOPEZ; LORETTA L. HIGGINS;	§	
TIMOTHY GAINES POLLARD; JERRY	§	
MILLER; MARTIN KROESCHE;	§	
[THE “INDIVIDUAL-DEFENDANTS”]	§	
CINCH ENERGY SERVICES, LLC;	§	
CINCH INVESTMENT HOLDINGS, LLC;	§	
CES GROUP HOLDINGS, LLC; HOOK N	§	
BULL PROPERTIES, LLC; LOS CABOS	§	
RANCH, LLC; FTS RANCH, LLC; FTSJR	§	
HOLDINGS, LLC; WFO HOMES, LLC;	§	
TEXAS COAST BUILDERS, LLC; 17	§	
MAIN, LLC; GRANDER HOLDINGS,	§	
LLC; WFO, LLC; PONDER RANCH,	§	
LLC; BL EQUITY HOLDINGS, LLC;	§	
OCEAN FLOOR HOLDINGS, LLC;	§	
SUPERIOR READY MIX OF TEXAS,	§	
LLC; SUPERIOR READY MIX, LLC;	§	
CAPITAL PROPERTY INVESTING,	§	
LLC; CORE ASSET RESOURCES,	§	
LLC; DRAKEFIRE MANAGEMENT,	§	
LLC; EDMUND HOME BUILDERS,	§	
LLC; CHATTINGTON INVESTMENTS,	§	
LLC; WILLIAM H HOLDINGS, LLC;	§	
LONE STAR CEMENT COMPANY, LLC;	§	
TIM POLLARD CONSTRUCTION, INC.	§	
[The “Entity Defendants”]	§	
and Other Yet UNKNOWN DEFENDANTS	§	
[“John Doe-Defendants”]; and	§	
SIMMONS BANK	§	
Defendants	§	

**RESPONSE TO DEFENDANT FRANK THOMAS SHUMATE’S EXPEDITED MOTION
TO QUASH SUBPOENA**

John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline Services, LLC (“CWS”), files this Response to Defendant Frank Thomas Shumate’s (“Shumate”) Expedited Motion to Quash Subpoena and would show the Court the following:

1. Counsel for the Trustee just learned this week that Frank Thomas Shumate listed two yachts and a home for sale. Assets that Mr. Shumate knows are claimed as property of this Bankruptcy Estate. The listings show he is seeking over \$4,000,000.00 for the boats and \$1,599,000.00 for the home.
 - a. Bitch - \$499,000.00

GALATI
YACHT SALES

2009 Custom Carolina | 48' Blue Devil
Boatworks



\$499,000

KEY FEATURES

LOCATION

Orange Beach Alabama United States

STATEROOMS

HEADS

ENGINES

2 Cummins 0.00 QSB 480

2009 Beautifully crafted, and meticulously kept 45 ft Custom Carolina Blue Devil Boatworks.

Current owner has completed the following upgrades:

- Repainted Hull
- Installed Seakeeper
- Installed Tow Eye to Be Hauled by Larger Vessels - "Mothership"

PRELIMINARY LISTING-More information to come.

b. Boss - \$3,595,000.00



1989 Feadship | 116 Sport Fisher



BOSS \$3,595,000

This spectacular 1989 116 ft Feadship Sport Fisher designed by Frits De Voogt. Originally built and commissioned by renowned yachtsman Jim Moran. At the time this was his 5th Feadship built. Subsequently owned by Roger Penske as the "Detroit Eagle".

The current owner has added many, many upgrades such as:

- New A/C Chiller Systems
- Hydraulic Outriggers
- Carpet
- Headliner
- New Septic System
- Electronics
- (2) Seaskoper 40's
- Watermaker
- Washer and Dryer
- Ice maker
- Stove Tops and Grills
- Tables and Chairs
- Set to haul 45' Custom Carolina Blue Devil Boatworks Sportfish. Also, for sale and can be purchased as a package.

And much more, including 4200 Nautical Mile Range!

PRELIMINARY LISTING

KEY FEATURES

LOCATION

Orange Beach Alabama United States

STATEROOMS

HEADS

ENGINES

2 MTU 2600.00 16V148TA

c. 26858 Martinique Dr, Orange Beach, AL 36561 - \$ 1,599,000.00

Buy Rent

Orange Be


Back to search

Zillow

Save Share Hide

Sign In

For sale by owner



\$1,599,000

26858 Martinique Dr, Orange Beach, AL 36561

4 beds

2 baths

3,200 sqft

Est.: \$9,493/mo

Get pre-qualified

SingleFamily

Built in 1998

0.33 Acres lot

Zestimate®

\$500/sqft

\$600/mo HOA

Contact agent

Overview

Buy Rent

Orange Be

Back to search

Zillow

Save Share Hide

Sign In

Overview Facts & features Market value Payment calculator Neighborhood

\$1,599,000

26858 Martinique Dr, Orange Beach, AL 36561

4 beds

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3,200 sqft

Est.: \$9,493/mo

Get pre-qualified

SingleFamily

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0.33 Acres lot

Zestimate®

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Contact agent

Overview

Lovely house located in a sought-out area in Orange Beach. Great views located right on the water featuring a pool right in your backyard. House features a dock with shore power. Freshly painted and ready for you to move right it. Master bedroom located on top floor includes a large ensuite with double head shower and large soaking tub, bonus room and huge his and her closets.

Hide

10 days on Zillow

469 views

20 saves

Listed by: Property Owner (361) 816-8071

This property is for sale by owner and Zillow, Inc. is displaying it at the owner's request. It is not subject to a listing agreement with Zillow, Inc. or its affiliates.

2. Contrary to the representations in Shumate's Motion to Quash Subpoena, Shumate did not notify the Trustee that these assets of the estate were listed for sale. It was counsel

for the Trustee that notified Mr. Watts that these assets were listed for sale in violation of multiple Orders from this Court (See Exhibit 1.)

3. After that, Mr. Watts took the position that it was ok because they would not sell the assets without Court or Trustee approval (See Exhibit 2.) In reality, it appears Mr. Watts had no idea that his client was violating this Court's Orders and the Automatic Stay, but he should have known. This is disconcerting to the Trustee as Mr. Shumate has flaunted the bankruptcy process, this Court, and the Orders from this Court on numerous occasions.

4. The Trustee has no way of knowing if these assets have offers, are under contract, have been sold, or are even offered at fair market value. That is why the Court has to be involved in any sale of assets under Mr. Shumate's control.

5. The only way the Trustee has any knowledge of the items being listed for sale has been through the Trustee's own research. A prime example is when the Trustee was contacted by an attorney in the middle of a real estate transaction on the Corpus Christi Agnes Yard; the Trustee was only made aware of this pending sale when that attorney sent him the contract signed by Tim Pollard. Shumate did not mention this listing, an offer, or a signed contract. (See Trustee's Sanction Exhibit no. 7).

6. Yesterday, Mr. Shumate appeared at the Superior Ready Mix 341 Creditor's meeting, presenting at the office of Mr. Colvard, Superior's counsel, in San Antonio, Texas. Not surprisingly, he feigned ignorance on any issue of substance and was totally abusive to the process. This point being said, Mr. Shumate continues to laugh at the process and this proceeding. The real point being said is that Mr. Shumate is currently in Texas.

7. Mr. Shumate needs to appear and explain to this Court why he is not following this Court's Orders. More importantly, he needs to be present because the Trustee anticipates

asking this Court to incarcerate him and his co-conspirators for the continued felonious conduct and violations of this Court's Orders.

8. It is important to note that Mr. Watts has laid the groundwork for Israel Rodriguez to no appear on the 17th, despite a subpoena requiring him to appear. (See Exhibit 3).

9. The sanctions hearings have only been prolonged because the Trustee continuously discovers new violations and due to the unavailability of the witnesses, which Mr. Shumate employs. This is evidenced by the email regarding Mr. Watts declining to accept service on behalf of other witnesses employed by Mr. Shumate, wherein he explains that he is not authorized to accept service (See Exhibit 4). The point should be to shed light on this continued criminal enterprise. But rather, it is more of the same hide-and-seek antics that are continuously employed. This motion to quash should be denied.

WHEREFORE, premises considered, Plaintiff John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline Services, requests that the Court enter an order denying the Motion to Quash and for such other and further relief, at law or in equity, as to which he may be justly entitled.

Dated: September 12, 2024

Respectfully submitted,

/s/ Butch Boyd

Butch Boyd

State Bar No. 00783694

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**SPECIAL COUNSEL FOR JOHN PATRICK
LOWE, CHAPTER 7 TRUSTEE FOR CINCH
WIRELINE SERVICES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above foregoing document was served to the attached Service List by the CM/ECF system and via electronic mail on September 11, 2024.

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Assigned: 05/13/2024

Paul W. O'Finan

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(Defendant)

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(Defendant)

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(Defendant)

representing **Mark Lopez**
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(Defendant)

representing **Los Cabos Ranch, LLC**
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Assigned: 04/24/2024
TERMINATED: 06/27/2024

Assigned: 05/08/2024

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(*Defendant*)

representing **Timothy Gaines Pollard**
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(*Defendant*)

WFO Homes, LLC
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Marion, TX 78124
(*Defendant*)

WFO, LLC
c/o Tim Pollard, Registered
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Assigned: 05/08/2024

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(*Defendant*)

Assigned: 05/08/2024
TERMINATED: 06/27/2024

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Ponder Ranch, LLC

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(Defendant)

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WFO Homes, LLC

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(Defendant)

/s/ Butch Boyd
Butch Boyd